

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:13-cv-01075-BAH

HOWARD TOWN CENTER DEVELOPER, LLC v. HOWARD UNIVERSITY
Assigned to: Judge Beryl A. Howell
Case in other court: USCA, 13-07198
Cause: 28:1443(1) Rent, Lease & Ejectment
Date Filed: 07/15/2013
Date Terminated: 02/12/2014
Jury Demand: None
Nature of Suit: 230 Rent Lease
& Ejectment
Jurisdiction: Diversity

Plaintiff

**HOWARD TOWN CENTER
DEVELOPER, LLC**

represented by **Glenn C. Etelson**
SHULMAN, ROGERS, GANDAL,
PORTY & ECKER,
12505 Potomac Avenue
Suite 600
Potomac, MD 20854
(301) 231-0956
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

HOWARD UNIVERSITY

represented by **Timothy F. McCormack**
BALLARD SPAHR LLP
300 East Lombard Street
18th Floor
Baltimore, MD 21202-3268
(410) 528-5600
Fax: (410) 528-5650
Email: mccormackt@ballardspahr.com
LEAD ATTORNEY
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Counter Claimant

HOWARD UNIVERSITY

represented by **Timothy F. McCormack**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**HOWARD TOWN CENTER
DEVELOPER, LLC**

represented by **Glenn C. Etelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

HOWARD UNIVERSITY

represented by **Timothy F. McCormack**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Third Party Defendant

CASTLEROCK PARTNERS, LLC

represented by **Glenn C. Etelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
07/15/2013	<u>1</u>		MOTION for Leave to File Under Seal by HOWARD TOWN CENTER DEVELOPER, LLC (zrdj) (Entered: 07/15/2013)
07/15/2013	<u>2</u>		ORDER granting <u>1</u> Motion for Leave to File Under Seal. Signed by Chief Judge Royce C. Lamberth on 7/15/13. Counsel of record received certified copies from the miscellaneous clerk.(See order for full details)(zrdj) (Entered: 07/15/2013)
07/15/2013	<u>3</u>		COMPLAINT against HOWARD UNIVERSITY (Filing fee \$ 400, receipt number 4616057981) filed by HOWARD TOWN CENTER DEVELOPER, LLC. (Attachments: # <u>1</u> Civil Cover Sheet)(zrdj) (Entered: 07/15/2013)
07/15/2013	<u>4</u>		LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by HOWARD TOWN CENTER DEVELOPER, LLC (zrdj) (Entered: 07/15/2013)
07/15/2013	<u>5</u>		MOTION for Temporary Restraining Order by HOWARD TOWN CENTER DEVELOPER, LLC (Attachments: # <u>1</u> 65(b), # <u>2</u> Memorandum in Support # <u>3</u> Text of Proposed Order) (zrdj). (Entered: 07/15/2013)
07/15/2013	<u>6</u>		MOTION for Preliminary Injunction by HOWARD TOWN CENTER DEVELOPER, LLC (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(zrdj) (Entered: 07/15/2013)
07/15/2013			Summons (1) Issued as to HOWARD UNIVERSITY. (zrdj) (Entered: 07/15/2013)
07/15/2013			Minute Entry for proceedings held before Judge Beryl A. Howell: Motion Hearing held on 7/15/2013 re <u>5</u> MOTION for Temporary Restraining Order filed by HOWARD TOWN CENTER DEVELOPER, LLC., Motion Denied. (Court Reporter Cathryn Jones) (ztg,) (Entered: 07/15/2013)

07/16/2013	<u>7</u>		ORDER denying <u>5</u> Motion for Temporary Restraining Order. It is FURTHER ORDERED that this case is UNSEALED. Signed by Judge Beryl A. Howell on 7/16/2013. Counsel of record have been notified by first class mail.(ztg,) (Entered: 07/16/2013)
07/16/2013			***Case Unsealed pursuant to 7/16/13 <u>7</u> Order by Judge Beryl A. Howell (zrdj) (Entered: 07/16/2013)
07/17/2013	<u>8</u>		NOTICE of Appearance by Timothy F. McCormack on behalf of HOWARD UNIVERSITY (McCormack, Timothy) (Entered: 07/17/2013)
07/22/2013	<u>9</u>		STIPULATION <i>Concerning Deadlines</i> by HOWARD UNIVERSITY. (McCormack, Timothy) (Entered: 07/22/2013)
07/22/2013			MINUTE ORDER (paperless) Upon consideration of the parties' <u>9</u> Stipulation Concerning Deadlines, the Court enters the following SCHEDULING ORDER to govern the timing of proceedings in this matter: The plaintiff shall file, by August 5, 2013, any materials supplementing its pending <u>6</u> Motion for Preliminary Injunction. The defendant shall file, by August 27, 2013, any response to the plaintiff's pending <u>6</u> Motion for Preliminary Injunction. The defendant shall, by August 30, 2013, answer or otherwise respond to the <u>3</u> Complaint. Signed by Judge Beryl A. Howell on July 22, 2013. (lcbah1) (Entered: 07/22/2013)
07/23/2013			Set/Reset Deadlines: Supplement to <u>6</u> Motion for Preliminary Injunction due by 8/5/2013; Response to Motion for Preliminary Injunction due by 8/27/2013. Answer to the Complaint due by 8/30/2013. (tg,) (Entered: 07/23/2013)
07/30/2013	<u>10</u>		Consent MOTION for Extension of Time to <i>Extend Filing Deadlines</i> by HOWARD TOWN CENTER DEVELOPER, LLC (Attachments: # <u>1</u> Text of Proposed Order)(Etelson, Glenn) (Entered: 07/30/2013)
07/30/2013	<u>11</u>		STANDING ORDER. Signed by Judge Beryl A. Howell on July 30, 2013. (lcbah1) (Entered: 07/30/2013)
07/30/2013			MINUTE ORDER (paperless) granting <u>10</u> Consent Motion to Extend Filing Deadlines. The plaintiff shall file, by August 26, 2013, any materials supplementing its pending <u>6</u> Motion for Preliminary Injunction. The defendant shall file, by September 20, 2013, any response to the plaintiff's pending <u>6</u> Motion for Preliminary Injunction. The defendant shall, by September 20, 2013, answer or otherwise respond to the <u>3</u> Complaint. Signed by Judge Beryl A. Howell on July 30, 2013. (lcbah1) (Entered: 07/30/2013)
07/30/2013			Set/Reset Deadlines: Supplement to <u>6</u> Motion for Preliminary Injunction due by 8/26/2013. Response to <u>6</u> Motion for Preliminary Injunction due by 9/20/2013. Answer to the Complaint due by 9/20/2013. (tg,) (Entered: 07/30/2013)
08/26/2013	<u>12</u>		Supplemental MOTION for Preliminary Injunction by HOWARD TOWN CENTER DEVELOPER, LLC (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Text of Proposed Order)(Etelson, Glenn) (Entered: 08/26/2013)
08/26/2013	<u>13</u>		

		STRICKEN pursuant to Minute Order entered on 9/19/2013.....MOTION for Leave to File <i>Amended Complaint</i> by HOWARD TOWN CENTER DEVELOPER, LLC (Attachments: # <u>1</u> Amended Verified Complaint for Declaratory, Injunctive and Other Relief, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Text of Proposed Order)(Etelson, Glenn) Modified on 9/20/2013 (tg,). (Entered: 08/26/2013)
09/19/2013	<u>14</u>	ANSWER to <u>3</u> Complaint by HOWARD UNIVERSITY.(McCormack, Timothy) (Entered: 09/19/2013)
09/19/2013	<u>15</u>	COUNTERCLAIM against HOWARD TOWN CENTER DEVELOPER, LLC, THIRD PARTY COMPLAINT against Castlerock Partners, LLC filed by HOWARD UNIVERSITY. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(McCormack, Timothy) (Entered: 09/19/2013)
09/19/2013	<u>16</u>	Memorandum in opposition to re <u>12</u> Supplemental MOTION for Preliminary Injunction filed by HOWARD UNIVERSITY. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24)(McCormack, Timothy) (Entered: 09/19/2013)
09/19/2013	<u>17</u>	THIRD PARTY COMPLAINT against Castlerock Partners, LLC filed by HOWARD UNIVERSITY.(McCormack, Timothy) (Entered: 09/19/2013)
09/19/2013		MINUTE ORDER (paperless) STRIKING the plaintiff's <u>13</u> Motion For Leave To File Amended Complaint. The plaintiff has failed to comply with Local Civil Rule 7(m), which applies to non-incarcerated plaintiffs and requires that "[b]efore filing any nondispositive motion in a civil action, counsel shall discuss the anticipated motion with opposing counsel, either in person or by telephone, in a good-faith effort to determine whether there is any opposition to the relief sought and, if there is opposition, to narrow the areas of disagreement." This Rule further requires that "[a] party shall include in its motion a statement that the required discussion occurred, and a statement as to whether the motion is opposed." LCvR 7(m). The plaintiff failed to provide the required statement in his motion for leave to file an amended complaint. As a result, the motion is hereby STRICKEN with leave to re-file upon compliance with Local Civil Rule 7(m). Signed by Judge Beryl A. Howell on September 19, 2013. (lcbah1) (Entered: 09/19/2013)
09/20/2013		MINUTE ORDER (paperless) directing the parties to SHOW CAUSE why the plaintiff's <u>6</u> Motion for Preliminary Injunction and <u>12</u> Supplemental Motion for Preliminary Injunction should not be consolidated with a trial on the merits. On July 15, 2013, the plaintiff filed its <u>6</u> Motion for Preliminary Injunction. The plaintiff moved for an extension of time to file its <u>12</u> Supplemental Motion for Preliminary Injunction and to allow the defendant 25 days to respond. See <u>10</u> Consent Motion for Extension of Time. The Supplemental Motion for Preliminary Injunction seeks generally the same relief requested in the Complaint and resolution of a breach of contract claim

		closely intertwined with the injunctive and declaratory relief requested. The Court directs the parties to file, by October 4, 2013, a written statement setting forth why, pursuant to Federal Rule of Civil Procedure 65(a)(2), the Court should not consolidate the hearing on the motion with the trial on the merits in order to conserve judicial resources and efficiently resolve this matter. Signed by Judge Beryl A. Howell on September 20, 2013. (lcbah1) (Entered: 09/20/2013)
09/20/2013		Set/Reset Deadlines: Response to Show Cause due by 10/4/2013. (tg,) (Entered: 09/20/2013)
09/25/2013	<u>18</u>	REQUEST FOR SUMMONS TO ISSUE by HOWARD UNIVERSITY re <u>17</u> Third Party Complaint filed by HOWARD UNIVERSITY. Related document: <u>17</u> Third Party Complaint filed by HOWARD UNIVERSITY.(McCormack, Timothy) (Entered: 09/25/2013)
09/25/2013	<u>19</u>	Electronic Summons (1) Issued as to CASTLEROCK PARTNERS, LLC. (Attachments: # <u>1</u> Consent Forms)(rdj) (Entered: 09/25/2013)
09/25/2013	<u>20</u>	ANSWER to <u>3</u> Complaint by HOWARD UNIVERSITY.(McCormack, Timothy) (Entered: 09/25/2013)
09/26/2013	<u>21</u>	Amended MOTION for Leave to File <i>Amended Complaint</i> by HOWARD TOWN CENTER DEVELOPER, LLC (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Amended Verified Complaint for Declaratory, Injunctive and Other Relief, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G)(Etelson, Glenn) (Entered: 09/26/2013)
09/26/2013	<u>22</u>	REPLY to opposition to motion re <u>12</u> Supplemental MOTION for Preliminary Injunction filed by HOWARD TOWN CENTER DEVELOPER, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Etelson, Glenn) (Entered: 09/26/2013)
10/01/2013	<u>23</u>	MOTION for Summary Judgment by HOWARD UNIVERSITY (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Text of Proposed Order)(McCormack, Timothy) (Entered: 10/01/2013)
10/01/2013	<u>24</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and THIRD PARTY Complaint Executed. CASTLEROCK PARTNERS, LLC served on 9/26/2013, answer due 10/17/2013 (rdj) (Entered: 10/02/2013)
10/04/2013	<u>25</u>	RESPONSE TO ORDER OF THE COURT re Order to Show Cause,,, filed by HOWARD UNIVERSITY. (McCormack, Timothy) (Entered: 10/04/2013)
10/04/2013	<u>26</u>	RESPONSE TO ORDER OF THE COURT re Order to Show Cause,,, filed by HOWARD TOWN CENTER DEVELOPER, LLC. (Etelson, Glenn) (Entered: 10/04/2013)
10/10/2013	<u>27</u>	ANSWER to <u>15</u> COUNTERCLAIM, Third Party Complaint,, by HOWARD TOWN CENTER DEVELOPER, LLC. Related document: <u>15</u> COUNTERCLAIM, Third Party Complaint,, filed by HOWARD UNIVERSITY.(Etelson, Glenn) (Entered: 10/10/2013)

10/11/2013	<u>28</u>		Memorandum in opposition to re <u>21</u> Amended MOTION for Leave to File <i>Amended Complaint</i> filed by HOWARD UNIVERSITY. (Attachments: # <u>1</u> Text of Proposed Order)(McCormack, Timothy) (Entered: 10/11/2013)
10/15/2013	<u>29</u>		<i>Third Party Defendant</i> ANSWER to <u>17</u> Third Party Complaint, <u>15</u> COUNTERCLAIM, Third Party Complaint,, , <i>Third Party Defendant</i> ANSWER to <u>17</u> Third Party Complaint, <u>15</u> COUNTERCLAIM, Third Party Complaint,, by CASTLEROCK PARTNERS, LLC. Related document: <u>15</u> COUNTERCLAIM, Third Party Complaint,, filed by HOWARD UNIVERSITY, <u>17</u> Third Party Complaint filed by HOWARD UNIVERSITY.(Etelson, Glenn) (Entered: 10/15/2013)
10/15/2013	<u>30</u>		LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CASTLEROCK PARTNERS, LLC (Etelson, Glenn) (Entered: 10/15/2013)
10/15/2013	<u>31</u>		Memorandum in opposition to re <u>23</u> MOTION for Summary Judgment filed by CASTLEROCK PARTNERS, LLC, HOWARD TOWN CENTER DEVELOPER, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit E1, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Text of Proposed Order)(Etelson, Glenn) (Entered: 10/15/2013)
10/15/2013	<u>32</u>		Memorandum in opposition to re <u>23</u> MOTION for Summary Judgment – <i>Statement of Material Facts in Dispute in Response to Defendant's Statement of Undisputed Material Facts in Support of Motion for Summary Judgment</i> filed by CASTLEROCK PARTNERS, LLC, HOWARD TOWN CENTER DEVELOPER, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C, # <u>9</u> Exhibit 1, # <u>10</u> Exhibit 2)(Etelson, Glenn) (Entered: 10/15/2013)
10/21/2013	<u>33</u>		REPLY to opposition to motion re <u>21</u> Amended MOTION for Leave to File <i>Amended Complaint</i> filed by HOWARD TOWN CENTER DEVELOPER, LLC. (Etelson, Glenn) (Entered: 10/21/2013)
10/22/2013	<u>34</u>		MEET AND CONFER STATEMENT. (Etelson, Glenn) (Entered: 10/22/2013)
10/25/2013	<u>35</u>		REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment filed by HOWARD UNIVERSITY. (McCormack, Timothy) (Entered: 10/25/2013)
10/25/2013	<u>36</u>		MOTION for Hearing re <u>31</u> Memorandum in Opposition, <u>32</u> Memorandum in Opposition,, <u>35</u> Reply to opposition to Motion, <u>23</u> MOTION for Summary Judgment by HOWARD UNIVERSITY (McCormack, Timothy) (Entered: 10/25/2013)
12/19/2013	<u>37</u>		MEMORANDUM OPINION regarding the defendant-counter-plaintiff's <u>23</u> Motion for Summary Judgment and <u>36</u> Motion for Hearing; the plaintiff-counter-defendant's <u>6</u> Motion for Preliminary Injunction; <u>12</u> Supplemental Motion for Preliminary Injunction; and <u>21</u> Amended Motion for Leave to File. Signed by Judge Beryl A. Howell on December 19, 2013. (lcbah1) (Entered: 12/19/2013)
12/19/2013	<u>38</u>		ORDER GRANTING the defendant-counter-plaintiff's <u>23</u> Motion for Summary Judgment; DENYING the defendant-counter-plaintiff's <u>36</u> Motion

			for Hearing; DENYING the plaintiff-counter-defendant's <u>6</u> Motion for Preliminary Injunction and <u>12</u> Supplemental Motion for Preliminary Injunction as moot; and DENYING the plaintiff-counter-defendant's <u>21</u> Amended Motion for Leave to File. The parties shall, by January 2, 2014, jointly submit a proposed schedule to address the damages to which the defendant-counter-plaintiff is entitled. See Order for further details. Signed by Judge Beryl A. Howell on December 19, 2013. (lcbah1) (Entered: 12/19/2013)
12/19/2013			Set/Reset Deadlines: Joint proposed schedule to address the damages due by 1/2/2014. (tg,) (Entered: 12/19/2013)
12/20/2013	<u>39</u>		NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>37</u> Memorandum & Opinion, <u>38</u> Order on Motion for Hearing, Order on Motion for Preliminary Injunction,, Order on Motion for Leave to File, Order on Motion for Summary Judgment,,,,,, by CASTLEROCK PARTNERS, LLC, HOWARD TOWN CENTER DEVELOPER, LLC. Filing fee \$ 505, receipt number 0090-3571708. Fee Status: Fee Paid. Parties have been notified. (Etelson, Glenn) (Entered: 12/20/2013)
12/23/2013	<u>40</u>		Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re <u>39</u> Notice of Appeal to DC Circuit Court. (rdj) (Entered: 12/23/2013)
01/02/2014	<u>41</u>		STATUS REPORT <i>Proposed Schedule to Address Damages</i> by HOWARD UNIVERSITY. (McCormack, Timothy) (Entered: 01/02/2014)
01/02/2014			USCA Case Number 13-7198 for <u>39</u> Notice of Appeal to DC Circuit Court, filed by HOWARD TOWN CENTER DEVELOPER, LLC, CASTLEROCK PARTNERS, LLC. (rdj) (Entered: 01/02/2014)
01/02/2014	<u>42</u>		ENTERED IN ERROR.....NOTICE <i>Correspondence</i> by CASTLEROCK PARTNERS, LLC, HOWARD TOWN CENTER DEVELOPER, LLC re <u>38</u> Order on Motion for Hearing, Order on Motion for Preliminary Injunction,, Order on Motion for Leave to File, Order on Motion for Summary Judgment,,,,,, (Attachments: # <u>1</u> Text of Proposed Order)(Etelson, Glenn) Modified on 1/3/2014 (jf,). (Entered: 01/02/2014)
01/02/2014	<u>43</u>		MOTION to Hold in Abeyance <i>Filings Regarding, and Hearing on, Attorneys' Fees, Expenses and Costs Pending Appeal with Supporting Points and Authorities</i> by HOWARD TOWN CENTER DEVELOPER, LLC (Etelson, Glenn) (Entered: 01/02/2014)
01/03/2014			MINUTE ORDER (paperless) DIRECTING the defendant-counter-plaintiff to respond to the plaintiff-counter-defendant's <u>43</u> Motion to Hold in Abeyance by January 7, 2014. Signed by Judge Beryl A. Howell on January 3, 2014. (lcbah1) (Entered: 01/03/2014)
01/03/2014			NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>42</u> Notice (Other), was entered in error and counsel was instructed to refile said pleading in proper format. Counsel should review LCvR 5.1 (b) CORRESPONDENCE WITH COURT. (jf,) (Entered: 01/03/2014)
01/03/2014			Set/Reset Deadlines: Response to <u>43</u> Motion to Hold in Abeyance due by 1/7/2014. (tg,) (Entered: 01/03/2014)

01/03/2014	<u>44</u>		STATUS REPORT <i>Proposed Schedule to Address Damages</i> by CASTLEROCK PARTNERS, LLC, HOWARD TOWN CENTER DEVELOPER, LLC. (Etelson, Glenn) (Entered: 01/03/2014)
01/03/2014	<u>45</u>		Memorandum in opposition to re <u>43</u> MOTION to Hold in Abeyance <i>Filings Regarding, and Hearing on, Attorneys' Fees, Expenses and Costs Pending Appeal with Supporting Points and Authorities</i> filed by HOWARD UNIVERSITY. (Attachments: # <u>1</u> Text of Proposed Order)(McCormack, Timothy) (Entered: 01/03/2014)
01/03/2014	<u>46</u>		APPLICATION for Writ of Attachment on Judgment Other than Wages, Salary and Commissions by HOWARD UNIVERSITY. (Attachments: # <u>1</u> Writ of Attachment)(McCormack, Timothy) (Entered: 01/03/2014)
01/03/2014	<u>47</u>		APPLICATION for Writ of Attachment on Judgment Other Than Wages, Salary and Commissions by HOWARD UNIVERSITY. (Attachments: # <u>1</u> Writ of Attachment)(McCormack, Timothy) (Entered: 01/03/2014)
01/06/2014			MINUTE ORDER (paperless) DENYING the plaintiff-counter-defendant's <u>43</u> Motion to Hold in Abeyance Filings Regarding, and Hearing On, Attorneys' Fees, Expenses and Costs Pending Appeal and ISSUING, pursuant to the parties' <u>41</u> and <u>44</u> Status Reports, the following SCHEDULING ORDER to control further proceedings in this matter: the defendant-counter-plaintiff shall, by January 21, 2014, submit any request for additional damages, including attorneys' fees. The plaintiff-counter-defendant and third party defendant shall, by February 7, 2014, submit any response, including, if necessary, a motion for leave to conduct additional discovery and a proposed schedule for such discovery. The defendant-counter-plaintiff shall respond to the plaintiff-counter-defendant and third party defendant's response by February 24, 2014. Signed by Judge Beryl A. Howell on January 6, 2014. (lcbah1) (Entered: 01/06/2014)
01/06/2014			Set/Reset Deadlines: Request for additional damages, including attorneys' fees due by 1/21/2014; Response due by 2/7/2014; Reply due by 2/24/2014. (tg,) (Entered: 01/06/2014)
01/06/2014	<u>48</u>		WRIT OF Attachment on Judgment issued as to Eagle Bank, Closeline, LLC d/b/a Closeline Settlements,; Writ (2) issued. (zrdj) Modified on 1/15/2014 (rdj). (Entered: 01/06/2014)
01/06/2014	<u>49</u>		Supplemental Record on Appeal transmitted to US Court of Appeals re Order on Motion to Hold in Abeyance,,, ;USCA Case Number 13-07198. (jf,) (Entered: 01/06/2014)
01/14/2014	<u>50</u>		Writ Returned Executed on 1/8/2014. (McCormack, Timothy) (Entered: 01/14/2014)
01/14/2014	<u>51</u>		Writ Returned Executed on 1/7/2014. (McCormack, Timothy) (Entered: 01/14/2014)
01/15/2014	<u>52</u>		MOTION for Attorney Fees <i>and Expenses</i> by HOWARD UNIVERSITY (Attachments: # <u>1</u> Declaration Declaration of Timothy F. McCormack, # <u>2</u> Exhibit A to Declaration, # <u>3</u> Text of Proposed Order)(McCormack, Timothy) (Entered: 01/15/2014)
01/15/2014	<u>53</u>		

			ANSWER to Interrogatories on Writ of Attachment from Closeline, LLC d/b/a Closeline Settlements, Garnishee. (rdj) (Entered: 01/17/2014)
02/10/2014	<u>54</u>		APPLICATION for Writ of Attachment on Judgment Other Than Wages, Salary and Commissions by HOWARD UNIVERSITY. (Attachments: # <u>1</u> Writ of Attachment)(McCormack, Timothy) (Entered: 02/10/2014)
02/10/2014			MINUTE ORDER (paperless) TO SHOW CAUSE why the defendant-counter-plaintiff's <u>52</u> Motion for Attorneys' Fees and Expenses should not be granted as conceded. The plaintiff-counter-defendant and third party defendant were ordered to respond to the defendant-counter-plaintiff's motion by February 7, 2014. See Minute Order (January 6, 2014). In light of the plaintiff-counter-defendant's and third party defendant's failure to submit a timely opposition to the defendant-counter-plaintiff's motion, the plaintiff-counter-defendant and third party defendant are ORDERED TO SHOW CAUSE, by February 11, 2014, at 5:00 p.m., why the defendant-counter-plaintiff's <u>52</u> Motion for Attorneys' Fees and Expenses should not be granted as conceded. Signed by Judge Beryl A. Howell on February 10, 2014. (lcbah1) (Entered: 02/10/2014)
02/11/2014			Set/Reset Deadlines: Response to Show Cause due by 5:00 on 2/11/2014. (tg,) (Entered: 02/11/2014)
02/11/2014	<u>55</u>		REPLY re Order to Show Cause,,, filed by CASTLEROCK PARTNERS, LLC, HOWARD TOWN CENTER DEVELOPER, LLC. (Etelson, Glenn) (Entered: 02/11/2014)
02/11/2014		11	MINUTE ORDER (paperless) DISCHARGING the Court's Order to Show Cause of February 10, 2014 and GRANTING the defendant-counter-plaintiff's <u>52</u> Motion for Allowance of Attorneys' Fees and Expenses. The plaintiff-counter-defendant and third party defendant state in their response to the Court's Order to Show Cause that "they have no objection to the fair[ness] and reasonableness of the fees and expenses requested by" the defendant-counter-plaintiff. See <u>55</u> Answer to Show Cause Order. Consequently, judgment is entered in favor of defendant-counter-plaintiff Howard University and against plaintiff-counter-defendant Howard Town Center Developer, LLC and third party defendant CastleRock Partners, LLC, in the amount of \$98,312.45 for reasonable attorneys' fees and costs. There being no other issues to be resolved before the Court, the Clerk is directed to close this case. Signed by Judge Beryl A. Howell on February 11, 2014. (lcbah1) (Entered: 02/11/2014)
02/24/2014	<u>56</u>		ANSWER to Interrogatories on Writ of Attachment on Judgment from Eagle Bank, Garnishee. (rdj) (Entered: 02/26/2014)
03/10/2014	<u>57</u>	10	NOTICE OF APPEAL TO DC CIRCUIT COURT as to Order on Motion for Attorney Fees,,, by CASTLEROCK PARTNERS, LLC, HOWARD TOWN CENTER DEVELOPER, LLC. Filing fee \$ 505, receipt number 0090-3647068. Fee Status: Fee Paid. Parties have been notified. (Etelson, Glenn) (Entered: 03/10/2014)

Howard Town Center Developer, LLC

Plaintiff

vs.

Civil Action No. 13-1075 (BAH)

Howard University

Defendant

NOTICE OF APPEAL

Notice is hereby given this 10 day of March, 20 14, that

Howard Town Center Developer, LLC and Third Party Defendant Castlerock Partners, LLC hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the judgment of this Court entered on the 11 day of February, 20 14* in favor of Howard University against said Howard Town Center Developer, LLC and Castlerock Partners, LLC

/s/ Glenn C. Etelson, 426246

Attorney ~~or Pro Se Litigant~~

(Pursuant to Rule 4(a) of the Federal Rules of Appellate Procedure a notice of appeal in a civil action must be filed within 30 days after the date of entry of judgment or 60 days if the United States or officer or agency is a party)

CLERK email via the Court's electronic filing system
Please ~~mail copies~~ of the above Notice of Appeal to the following at the addresses indicated:

Timothy F. McCormack
mccormack@ballardspahr.com

*This is the second appeal noted in this case. The first appeal, Appeal No. 13-7198, was from an Order dated 12/19/13. There is a dispute as to the finality of that Order. (On January 30, 2014, Appellants filed a Motion for Determination of Finality of Order; this Motion is still pending.) Accordingly, Howard Town Center Developer, LLC and Castlerock Partners, LLC hereby note this appeal to preserve their rights in the event the Court concludes the 12/19/13 Order is adjudged not final. Defendants hereby request that the Court of Appeals consolidate these two appeals.

MIME-Version:1.0
From:DCD_ECFNotice@dcd.uscourts.gov
To:DCD_ECFNotice@localhost.localdomain
Bcc:
--Case Participants: Glenn C. Etelson (dmoran@shulmanrogers.com, getelson@shulmanrogers.com), Timothy F. McCormack (buhrmank@ballardspahr.com, cromartie@ballardspahr.com, mccormackt@ballardspahr.com, mcgeoghm@ballardspahr.com), Judge Beryl A. Howell
--Non Case Participants:
--No Notice Sent:

Message-Id:3907695@dcd.uscourts.gov
Subject:Activity in Case 1:13-cv-01075-BAH HOWARD TOWN CENTER DEVELOPER, LLC v. HOWARD UNIVERSITY Order on Motion for Attorney Fees
Content-Type: text/html

U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 2/11/2014 at 5:11 PM EDT and filed on 2/11/2014

Case Name: HOWARD TOWN CENTER DEVELOPER, LLC v. HOWARD UNIVERSITY

Case Number: 1:13-cv-01075-BAH

Filer: _____

Document Number: No document attached

Docket Text:

MINUTE ORDER (paperless) DISCHARGING the Court's Order to Show Cause of February 10, 2014 and GRANTING the defendant-counter-plaintiff's [52] Motion for Allowance of Attorneys' Fees and Expenses. The plaintiff-counter-defendant and third party defendant state in their response to the Court's Order to Show Cause that "they have no objection to the fair[ness] and reasonableness of the fees and expenses requested by" the defendant-counter-plaintiff. See [55] Answer to Show Cause Order. Consequently, judgment is entered in favor of defendant-counter-plaintiff Howard University and against plaintiff-counter-defendant Howard Town Center Developer, LLC and third party defendant CastleRock Partners, LLC, in the amount of \$98,312.45 for reasonable attorneys' fees and costs. There being no other issues to be resolved before the Court, the Clerk is directed to close this case. Signed by Judge Beryl A. Howell on February 11, 2014. (lcbah1)

1:13-cv-01075-BAH Notice has been electronically mailed to:

Timothy F. McCormack mccormackt@ballardspahr.com, buhrmank@ballardspahr.com, cromartie@ballardspahr.com, mcgeoghm@ballardspahr.com

Glenn C. Etelson getelson@shulmanrogers.com, dmoran@shulmanrogers.com

1:13-cv-01075-BAH Notice will be delivered by other means to::